IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 3019 OF 2003

IN

SUIT NO. 3222 OF 2003

Kumari Sajeda d/o. Mohammed Khalil ...Plaintiffs.
vs.
Jameel Ahmed s/o. Mohammed Khalil
and Ors. ...Defendants.

NOTICE OF MOTION NO. 3054 OF 2003
IN
SUIT NO. 3222 OF 2003

Smt. Sharifunisa wd/o. Saeed Ahmed
and Ors. ...Plaintiffs.
vs.
Jameel Ahmed s/o. Mohammed Khalil
and Ors. ...Defendants.

NOTICE OF MOTION NO. 2919 OF 2003
IN
SUIT NO. 2567 OF 2003

Kumari Sajeda d/o. Mohammed Khaleel
...Plaintiffs.
vs.
Jameel Ahmed s/o. Mohammed Khalil
and Ors. ...Defendants.

Ms. Trupti Sanghavi i/by. A.J. Bhuta
for the plaintiffs in
N/M.3019-2003 and N/M 2919-2003.

Munir Merchant for defendant no.4, 5 and 7
in N/M no. 3019-2003 and N/M 2919-2003.
and N/M no. 3054 of 2003.

A.M. Saraogi for defendant no.9 to 12.
in N/M no. 3019-03 and N/M 2919-2003.

A.M. Saraogi for plaintiffs in N/M 3054-2003

J. Mitra i/by. Nisha Valani, advocate
for defendant no.1 in N/M-3054-2003.

D.R. Dhurat, 1st Asstt to Court Receiver
in N/M No. 3054 of 2003.

CORAM: S.U. KAMDAR, J.

DATE : 22ND FEBRUARY, 2006.

P.C. :

1. In so far as Notice of Motions no. 3019 of 2003 and Notice of Motion No. 2919 of 2003 is concerned learned counsel for the plaintiffs in support of the Motion seeks leave to withdraw the motions. Both the motions are dismissed as withdrawn.

2. In so far as Notice of Motion no. 3054 of 2003 is concerned admittedly both the plaintiff and the defendants are the co-owners inrespect of

the suit property and the Receiver was in possession all throughout when the suit was pending in the City Civil Court at Bombay. The City Civil Court has returned the pending suit for want of jurisdiction. At the ad-interim stage by an order dated 19.4.2004 interim injunction has been granted. There are large number of transfer of tenancies. Learned counsel for the defendant states that these transfers are with the consent of the plaintiffs. Thus in my opinion at this interim stage the property is required to be protected. Prima-facie both the parties being the co-owners one of the party cannot deal with the property without the consent of the other party. The rent is required to be recovered and the property taxes are required to be paid. In the light of the aforesaid it is necessary that for the management of the property the Court Receiver is required to be appointed inrespect of Khalil Manzil situated at Tank Bunder Road, Mumbai-400 010. However he will have no power of sale. He will not take physical possession of the property from any of the

tenants. He will attorn the tenancies to him and recover the rest and pay all outgoings and taxes as required from time to time. Till the Receiver takes possession ad-interim order to continue.

sd/-

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